

Attorney Docket No.: RTS-0250
Inventors: Monia et al.
Serial No.: 09/954,556
Filing Date: September 14, 2001
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REMARKS

Claims 1, 2, 4-10 and 12-15 are pending in the instant application. Claims 1, 2, 4-10 and 12-15 have been rejected. Claim 1 has been amended. No new matter has been added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Rejection of Claims Under 35 U.S.C. 102(b) and 103(a)

Claims 1, 2, 4-10 and 12-15 have been rejected under 35 U.S.C. 102(b) or 103(a) as being anticipated by or obvious over Monia et al. (US Patent 6,008,048). The Examiner suggests that this patent discloses an antisense oligonucleotide targeted to EGR-1 with a sequence that is reverse complementary to bases 1943-1954 of SEQ ID NO: 3 of the instant invention and thus would be expected to specifically hybridize with and inhibit expression of human fibroblast growth factor receptor 2 gene. Applicants respectfully traverse this rejection.

At the outset, Applicants would like to clarify that there was a typo in the Examiner's action wherein nucleobases 1943-1954 should instead be 1926-1937. Applicants have amended the claims to list a specific nucleobase region within the coding region of human fibroblast growth factor receptor 2 of SEQ ID NO: 3 that does not

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include the region encompassed by the sequence taught by Monia et al. The claimed region is taught in the specification as filed at pages 85-88.

Monia et al. (US Patent 6,008,048) disclose antisense compounds targeted to EGR-1 and their use to inhibit gene expression. Although there is one sequence taught which is the reverse complement of a small nucleobase region within SEQ ID NO: 3 of the instant invention, nowhere does this reference teach or suggest any antisense sequences as now claimed which are targeted to a specific region of fibroblast growth factor receptor 2. Further, this reference fails to teach or suggest use of antisense compounds of any type, including those targeted to the region now claimed.

MPEP 2143 and 2131 clearly state that in order to either anticipate or make obvious an invention the prior art must teach or suggest all claim limitations. The limitations of the claims as now amended, which specify a specific region within the sequence of fibroblast growth factor receptor 2 (SEQ ID NO: 3), are not taught or suggested by the cited reference. It is only with the specification in hand that one of skill would understand that a specific region of fibroblast growth factor receptor 2 as claimed

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could be targeted successfully with antisense compounds. Thus, the prior art cited cannot render the instant claimed invention obvious. Withdrawal of this rejection is therefore respectfully requested.

II. Rejection of Claims Under 35 U.S.C. 112, First Paragraph

Claims 1, 2, 4-10 and 12-15 been rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner suggests that the amendment filed November 10, 2003, introducing the limitations "targeted to nucleobases 1317 through 2720 of a coding region" is introduction of new matter and that there is no support in the specification as filed for this region as claimed. Applicants respectfully disagree with the Examiner's suggestion.

Applicants respectfully point out that at page 87 of the specification as filed there is teaching of a region within the coding region of SEQ ID NO: 3 that could start at nucleobase 1317 and then that the coding region as defined in Table 1 at page 87 can stop within a region defined with an end of 2720. The end of

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the region is 2720 because the antisense compound of SEQ ID NO: 75 is 20 mer and thus would extend from 2701 to 2720. Contrary to the Examiner's suggestion, therefore, the specification as filed clearly defines a region within the coding region as one that could start at 1317 and end at 2720. Accordingly, the claims as amended meet the requirements of 35 U.S.C. 112, first paragraph and do not introduce new matter. Withdrawal of this rejection is respectfully requested.

III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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